

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FREDERICK O. SILVER,

Plaintiff,

vs.

NATIONAL CREDIT SYSTEMS, INC.,

Defendant.

Case No.: 1:24-CV-03238-SCJ-JCF

DECLARATION OF KATRINA M. DEMARTE IN SUPPORT OF FEES

I, Katrina M. DeMarte, declare as follows:

1. I am counsel of record for Defendant National Credit Systems, Inc. and am familiar with the time expended in connection with this discovery dispute.
2. I submit this declaration in support of the reasonableness of the hourly rate in connection with Defendant's Motion to Compel and for Sanctions.
3. I have been practicing law for more than fifteen (15) years, with the overwhelming majority of my practice devoted to federal litigation. Approximately ninety-five percent (95%) of my practice is in federal court, including extensive experience defending and prosecuting matters arising under the Fair Debt Collection Practices Act, Fair Credit Reporting Act, Telephone Consumer Protection Act, and

related consumer-finance statutes, as well as prosecuting and defending adversary proceedings and contested matters in bankruptcy court.

4. Over the course of my career, I have handled hundreds - if not thousands - of federal cases nationwide, including individual actions, certified class actions, bankruptcy matters, dispositive motion practice, discovery disputes, evidentiary hearings, trials, and appeals. I am routinely retained specifically for my federal-court, bankruptcy, and consumer-finance litigation expertise.

5. I opened DeMarte Law, PLLC, a national consumer-finance litigation firm, in 2019 at the prompting of several of my clients. Prior to founding my firm, I practiced at several litigation firms where I managed large dockets involving FDCPA, FCRA, TCPA, TILA, collections, insurance defense, and bankruptcy-related matters.

6. I am licensed and admitted to practice, and remain in good standing, in the following courts:

- Supreme Court of Colorado (May 24, 2011)
- Supreme Court of Michigan (November 18, 2016)
- State Bar of Georgia (December 4, 2024)
- U.S. District Court for the District of Colorado (October 14, 2011)
- U.S. District Court for the Eastern District of Michigan (January 12, 2018)
- U.S. District Court for the Western District of Michigan (January 5, 2018)
- U.S. District Court for the Northern District of Illinois (February 20, 2018)
- U.S. District Court for the Central District of Illinois (March 29, 2023)
- U.S. District Court for the Eastern District of Wisconsin (January 29, 2018)
- U.S. District Court for the Western District of Wisconsin (May 12, 2021)
- U.S. District Court for the Northern District of Georgia (December 12, 2024)

- U.S. District Court for the Northern District of Indiana (February 21, 2018)
- U.S. District Court for the Southern District of Indiana (February 16, 2018)
- U.S. District Court for the Western District of Oklahoma (January 2, 2025)
- U.S. District Court for the Eastern District of Missouri (February 22, 2022)
- U.S. District Court for the Northern District of Ohio (February 21, 2023)
- U.S. District Court for the Western District of Tennessee (March 6, 2023)
- U.S. District Court for the Western District of Pennsylvania (February 7, 2024)
- U.S. Court of Appeals for the Fourth Circuit (July 8, 2025)
- U.S. Court of Appeals for the Sixth Circuit (December 14, 2018)
- U.S. Court of Appeals for the Seventh Circuit (December 14, 2021)
- U.S. Court of Appeals for the Tenth Circuit (July 9, 2024)
- U.S. Court of Appeals for the Eleventh Circuit (June 8, 2020)

7. My standard hourly rate for federal litigation matters is currently \$300 per hour. In more complex matters, including class actions and multi-jurisdictional litigation, I have charged rates up to \$550 per hour. Defendant National Credit Systems, Inc. is a long-standing client and receives a preferred and discounted rate of \$250 per hour, which is below my standard rate and well below the market rate for attorneys with comparable experience.

8. Publicly available market data confirm that the rates charged here are reasonable and conservative. According to the Clio Legal Trends Report, which aggregates billing data from tens of thousands of lawyers nationwide, attorneys practicing in Georgia report hourly rates ranging approximately from \$118 to \$481 per hour, with an average hourly rate of approximately \$363 per hour for Georgia attorneys across practice areas. This information is published by Clio, a widely relied-upon legal practice management and analytics company.

9. Additional nationwide data published by LawPay, a legal industry payment processor and analytics provider, reflect that experienced attorneys commonly bill between the mid-\$200s and high-\$300s per hour, with higher rates for attorneys handling federal litigation and complex matters. These data points are consistent with prevailing market rates for senior litigators practicing in federal court.

10. Against this backdrop, the \$250 hourly rate requested here is substantially below both my standard rate and the prevailing market rate for attorneys with comparable experience litigating federal consumer-finance matters in Georgia and nationwide.

11. In this matter, Plaintiff's refusal to respond to discovery and failure to comply with the Court's November 20, 2025 Order required Defendant to prepare and file the present Motion to Compel and for Sanctions.

12. I expended a total of 6.5 hours addressing this discovery dispute, limited exclusively to drafting and finalizing this Motion and reviewing the procedural record necessary to present the issue accurately to the Court.

13. Specifically, I expended approximately 3.5 hours on January 7, 2026, drafting the introduction and legal argument, and approximately 3.0 hours on January 9, 2026, drafting the factual background and finalizing the motion.

14. My hourly rate of \$250.00 is reasonable and consistent with prevailing rates for federal litigation in the Northern District of Georgia.

15. The total fees incurred in connection with this discovery dispute are \$1,625.00, which Defendant seeks pursuant to Federal Rule of Civil Procedure 37.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of January 2026.

/s/ Katrina M. DeMarte
Katrina M. DeMarte

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 5.1

Undersigned counsel hereby certifies that this document has been prepared with Times New Roman 14-point font as approved by LR 5.1(B).

By: /s/ Katrina M. DeMarte
Katrina M. DeMarte

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2026, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to all persons requesting notice. A copy of this document will be mailed to the Plaintiff at his address of record in this litigation.

/s/ Katrina M. DeMarte
Katrina M. DeMarte